

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14355, of Thomas and Virginia Joyce, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a one story rear addition to an existing dwelling in an R-1-B District at premises 3631 Brandywine Street, N.W., (Square 1976, Lot 4).

HEARING DATE: November 13, 1985

DECISION DATE: November 13, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site known as premises 3631 Brandywine Street, N.W. is located on the north side of Brandywine Street between Reno Road and 36th Street. The site is in an R-1-B District.

2. The subject site is rectangular in shape with a lot area of 10,500 square feet. It has a frontage of seventy feet along Brandywine Street and a depth of 150 feet.

3. The subject site is improved with a two-story, brick, single-family detached dwelling and a brick detached two car garage. These structures were built in 1941. In 1958, the effective date of the current Zoning Regulations, they became nonconforming as to side yard requirements.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicants are seeking an area variance from the side yard requirements (Sub-section 3305.1) to construct a one-story rear addition connecting the house to the garage.

5. Paragraph 8207.11 authorizes the Board to grant an area variance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to the owner of such property provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map.

6. The existing nonconforming garage is located 0.75 feet from the side property line on the west and ten feet from the rear of the existing kitchen.

7. The house is located six feet from the property line on the west.

8. An existing five foot garden wall extends west from the northwestern corner of the dwelling to 0.75 feet from the side property line. It then extends north to connect to the western garage wall.

9. There is an existing paved area between the garden walls, the house, and the garage.

10. The proposed one-story addition will be to the north, or rear of the subject structure and will attach the dwelling to the garage replacing the paved area.

11. The addition will be constructed on the existing garden wall and be on line with the western wall of the garage and will therefore be 0.75 feet from the side yard. A side yard set back of eight feet is required so a variance of 5.25 feet or 87.5 percent is sought.

12. The addition can not be connected to the garage at the west wall of the house or it will have to be located further to the east to provide the desired space and will then block the dining room windows. Also the roof of the proposed addition would not then line-up with the roof line of the garage and would create a "hodge-podge" appearance.

13. Further, if the proposed addition were moved farther east, an unusable space to the west of the addition would be created by the house wall, garage wall and addition wall.

14. The addition will not reduce the width of the existing western side yard because it will make use of the existing garden walls and the existing garage wall. The status quo before and after the addition will be maintained.

15. The addition is intended to connect to the house at its kitchen and will provide the needed additional kitchen space. The existing kitchen is not large enough to provide counter space and space for a table.

16. Advisory Neighborhood Commission 3F submitted no report on the subject application.

17. Two owners of property adjacent to the subject site submitted letters to the record in support of the subject application. They stated that they had reviewed the plans.

18. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:


Based on the record, the Board concludes that the applicants are seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicants have met their burden of proof. The practical difficulty is inherent in the subject site because of the existing nonconforming structure and the useless space that would be created where the addition to be located farther east to meet the set back requirements. The Board notes the lack of opposition.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh, Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


CECIL B. TUCKER

Acting Executive Director

FINAL DATE OF ORDER:

04 MAR 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14355order/LJPM